

Mathew K. Higbee, Esq. SBN 11158  
HIGBEE & ASSOCIATES  
8871 W. Flamingo Road, Suite 202  
Las Vegas, Nevada 89147  
Phone: (714) 617-8385  
Fax: (714) 617-8511  
Email: consumeradvocacy@higbeeassociates.com

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF NEVADA**

SALVATORE BARRANTI,

Plaintiffs,

v.

GC SERVICES, LP,

Defendant.

) **Case No.:**

) **PLAINTIFF'S COMPLAINT FOR  
DAMAGES**

) **(Unlawful Debt Collection Practices)**

**COMPLAINT**

NOW COMES Plaintiff, SALVATORE BARRANTI ("Plaintiff"), by and through his attorneys, submits this Verified Complaint against Defendant, GC SERVICES, LP("Defendant"), alleges as follows:

**Nature of the Action**

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

**Parties**

2. Plaintiff is a natural person residing in the city of Dayton, County of Lyon, Nevada.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

- 1 4. Defendant is a debt collector conducting business in the state of Nevada, and has its
- 2 principal place of business in Houston, TX.
- 3 5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a
- 4 consumer debt from Plaintiff.
- 5 6. Defendant acted through its agents, employees, officers, members, directors, heirs,
- 6 successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

#### 7 **Jurisdiction and Venue**

- 8 7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such
- 9 actions may be brought and heard before “any appropriate United States district court
- 10 without regard to the amount in controversy.”
- 11 8. Because Defendant conducts business in Nevada, personal jurisdiction is established
- 12 9. Venue is proper in the United States District Court District Court of Nevada pursuant to
- 13 28 U.S.C § 1391(b) because Plaintiff resides within this District and a substantial part of
- 14 the events or omissions giving rise to the herein claims occurred, or a substantial part of
- 15 property that is the subject of the action is situated within this District.

#### 16 **Factual Allegations**

- 17 10. On or around April 17, 2017, Defendant placed a collection call to Plaintiff seeking and
- 18 demanding payment for an alleged consumer debt.
- 19 11. Plaintiff's alleged debt arises from transactions for personal, family, and household
- 20 purposes.
- 21 12. Defendant called Plaintiff's telephone number at (755) 410-56XX.
- 22 13. On or around April 17, 2017, Defendant called Plaintiff and left a voicemail message on
- 23 Plaintiff's answering machine.
- 24 14. In the voicemail message, Defendant failed to meaningfully disclose the company's
- 25 name or the nature of the call or state that the call was from a debt collector.
15. In the voicemail message, Defendant directed Plaintiff to call back telephone number
- (800) 846-6406, which is a number that belongs to Defendant.

16. In the voicemail message, Defendant failed to disclose the purpose of her call was to collect a debt allegedly owed by Plaintiff.

17. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

### **FIRST CAUSE OF ACTION**

#### **DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.**

18. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-18.

19. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff;
- b. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection; and
- c. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the warning: This is an attempt to collect a debt... communication is from a debt collector.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

#### **FIRST CAUSE OF ACTION**

20. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
21. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
22. Awarding such other and further relief as may be just, proper and equitable.

#### **ON ALL CAUSES OF ACTION**

23. Actual damages and compensatory damages according to proof at time of trial;
24. Costs and reasonable attorneys' fees;

25. Any other relief that this Honorable Court deems appropriate.

**JURY TRIAL DEMAND**

26. Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

RESPECTFULLY SUBMITTED,

DATED: July 12, 2017

**HIGBEE & ASSOCIATES**

By: 

*Mathew K. Higbee, Esq.*  
*Attorney for Plaintiff*